

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**MICHAEL PAUL PUZEY,**

**Petitioner,**

**v.**

**CIVIL ACTION NO. 3:04CV63  
CRIMINAL ACTION NO. 3:00CR57  
(BROADWATER)**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert, dated July 1 2005. The defendant was granted an extension to file his objections and filed his objections on July 20, 2005. In the interests of justice and in accordance with 28 U.S.C. § 636(b)(1), the Court has conducted a *de novo* review. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** the petitioner's petition be **DENIED** and **DISMISSED** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

**DATED** this 24<sup>th</sup> day of October 2005.

  
**W. CRAIG BROADWATER**  
**UNITED STATES DISTRICT JUDGE**